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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,148	03/06/2002	Kumiko Naito	122.1496	5920

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EXAMINER

CORRIELUS, JEAN M

ART UNIT PAPER NUMBER

2172

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,148

Applicant(s)

NAITO, KUMIKO

Examiner

Jean M Corrielus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the application filed on March 06, 2002, in which claims 1-12 are presenting for examination.

Specification

2. The abstract of the disclosure is objected to because the abstract is not in narrative form and it is not limited to a single paragraph (See MPEP § 608.01(b)).
3. The abstract of the disclosure is rejected to because the language is not clear and concise. The abstract is described the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. Applicant is reminded of the proper language and format for an abstract of the disclosure.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the discrimination information must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes

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made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. Claims 1-4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The discrimination information for every menu is not described in the specification. In such a way as to reasonably convey to one having ordinary skill in the art to make and use the invention. It is unclear as to what the applicants met by discrimination information. Applicants are advised to amend the specification or cancel the above feature from the claims. Applicants are reminded that no new matter should be added.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-12 as best understood by the examiner are rejected under 35 U.S.C. 102(e) as being anticipated by Kolawa et al., (hereinafter "Kolawa"). US Patent No 6,236,974

As to claim 1, Kolawa discloses the claimed "a means for receiving the menu discrimination information input through member terminals" (col.7, lines 41-44); "a menu storage means for storing discrimination information and amounts of ingredients corresponding to the discrimination information for every menu" (col.7, line 60-col.8, line12; col.9, lines 30-40); "an ingredient amount searching means for searching out the ingredients and the amounts thereof, from the menu storage means, corresponding to said menu discrimination information" (col.9, lines 30-57); "a sale unit storage means for storing a sale unit for every ingredient" (col.9, lines 30-col.10, line 32); "a sale unit searching means for searching out a sale unit, from the sale unit storage means, corresponding to an ingredient searched out by the ingredient amount searching means"; "a comparing means for comparing the amount of said ingredient searched out by the ingredient amount searching means with the sale unit searched by the sale unit searching means" (col.8, lines 15-37); and "a menu information searching means for searching out the menu information, from the menu storage means, including said ingredient in case that said amount of said ingredient is less than said sale unit as a result of the comparison by the comparing means" (col.9, lines 30-col.10, line 32).

As to claim 2:

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Claim 2 is a method performed the apparatus of claim 1. It is, therefore, rejected under the same rationale.

As to claim 3:

Claim 3 is for computer program performed the method of claim 2. It is, therefore, rejected under the same rationale.

As to claim 4:

Claim 4 is for computer readable storage medium performed the method of claim 2. It is, therefore, rejected under the same rationale.

As to claim 5, discloses the claimed "a successful sale coefficient storage means for storing the successful sale coefficients representing the probability of purchasing the ingredients of a first menu and the successful sale coefficient representing the probability of purchasing the ingredients of a second menu inquired in relation to the first menu" (col.9, line 30-col.10, line 55; col.11, lines 20-60); "a means for computing the expected sales of the ingredients of the first menu based on the ingredients of the first menu, the number of the distributions of the first menu, and the successful sale coefficient of the first menu searched out from a successful sale coefficient storage means" (col.9, line 30-col.10, line 55; col.11, lines 20-60); and "a means for computing the expected sales of the ingredients of the second menu based on the ingredients of the second menu, number of the inquiries of the second menu, and the

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successful sale coefficient of the second menu searched out, from the successful sale coefficient storage means" (col.9, line 30-col.10, line 55; col.11, lines 20-60).

As to claim 6, discloses the claimed "a step of computing the expected sales of The ingredients of a first menu based on the ingredients of the first menu, the number of the distributions of the first menu, and the successful sale coefficients of the first menu searched out, from a successful sale coefficient storage means for storing the successful sale coefficients representing the probabilities of purchasing the ingredients of the first menu" (col.9, line 30-col.10, line 55; col.11, lines 20-60); and "a step of computing the expected sales of the ingredients of a second menu based on the ingredients of the second menu inquired in relation to the first menu, number of the inquiry of the second menu, and the successful sale coefficient of the second menu searched out, from a successful sale coefficient storage means for storing the successful sale coefficients representing the probability of purchasing the ingredients of the second menu" (col.9, line 30-col.10, line 55; col.11, lines 20-60).

As to claim 7:

Claim 7 is for program allowing a computer to perform the method of claim 6. It is, therefore, rejected under the same rationale.

As to claim 8:

Claim 8 is for computer readable storage medium performing the method of claim 6 above. It is, therefore, rejected under the same rationale.

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As to claim 9, discloses the claimed “a means for transmitting the ingredients

Of a first menu and the number of the distributions of the first menu to a user terminal” (col.7, lines 41-44; col.9, lines 30-40); and “a means for transmitting the ingredients of a second menu inquired in relation to the first menu and the number of the inquiries of the second menu to a user terminal”. (Col.7, line 60-col.8, line12; col.9, lines 30-col.10, line 32).

As to claim 10:

Claim 10 is a method performed the apparatus of claim 9. It is, therefore, rejected under the same rationale.

As to claim 11:

Claim 11 is for computer program performed the method of claim 10. It is, therefore, rejected under the same rationale.

As to claim 12:

Claim 12 is for computer readable storage medium performed the method of claim 10. It is, therefore, rejected under the same rationale.


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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (703) 306-3035. The examiner can normally be reached on Monday - Friday (12:00pm - 7:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jean M. Corrielus
Patent Examiner

July 8, 2004